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Joan Evans, Esq.  
Hearing Officer  
Department of Telecommunications and Energy  
Commonwealth of Massachusetts  
One South Station, Second Floor  
Boston, MA 02110

RE: D.T.E. 01-34

Dear Joan:

I received today the letter from Barbara Anne Sousa to you. Although I do not agree with much of what Ms. Sousa states in that letter, I am limiting my comments to the specific relief that the letter seeks, *i.e.*, a reduction in the number of hearing days from three to one, with the stated purpose of delaying the initial day of hearings to give Verizon additional preparation time. AT&T opposes Verizon's request.

Verizon's request to start the hearing two days late and to take the lost days out of hearing time has the potential effect of penalizing CLECs for the delays and inaccurate discovery responses for which Verizon is responsible. Granting Verizon's request would provide it with a double, unjustified benefit; it would give back to Verizon time that it alone is responsible for losing, and it would potentially deprive the CLECs and the Department of necessary time to develop the record during hearings. Indeed, it is that latter benefit to Verizon, the limitation on the ability of the CLECs and the Department to develop a record, that is likely Verizon's primary objective here. At a minimum, it reflects Verizon's unwillingness to take this case seriously, an unwillingness evidenced from the very beginning of this case.

Given the torturous attempts to extract accurate information from Verizon in this case, including two days of technical sessions and countless errata filings, it seems unlikely that the CLECs and the Department will be able to conclude the hearings in one day, especially when Verizon is presenting a panel of four witnesses and the CLECs will also be presenting their own witnesses. In any event, it would be entirely inappropriate to prejudge the open question of necessary hearing time by scheduling only one hearing day. The hearings should remain scheduled for March 25 through March 27.

Sincerely yours,

Jay E. Gruber

cc: Barbara Anne Sousa, Esq.  
Service List  
Mary Cottrell, Secretary, Department of Telecommunications and Energy